

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MAINE

3 -----
4 UNITED STATES OF AMERICA, CRIMINAL ACTION

5 Plaintiff Docket No: 09-144-P-H

6
7 -versus-

E X C E R P T

8 **Grace Mortimer**

9 JAMES RAYMOND,

10 Defendant
11 -----

12 Transcript of Proceedings

13 Pursuant to notice, the above-entitled matter came on
14 for **TRIAL** held before **THE HONORABLE D. BROCK HORNBY**,
15 United States District Court Judge, in the United
16 States District Court, Edward T. Gignoux Courthouse,
156 Federal Street, Portland, Maine on the 22nd day of
April, 2010 at 10:03 AM as follows:

17 Appearances:

18 For the Government: Craig M. Wolff, Esquire
Assistant United States Attorney

19 For the Defendant: Richard L. Hartley, Esquire
20

21
22
23 Dennis R. Ford
24 Official Court Reporter

25 (Prepared from manual stenography and
computer aided transcription)

1 (THE FOLLOWING IS AN EXCERPT)

2 MR. WOLFF: With that, Your Honor, the
3 Government does call Grace Mortimer to the stand.

4 THE COURT: Please follow the brass rail and
5 come all of the way forward, ma'am. Please come right
6 up here where the chair is. Please remain standing
7 while the clerk swears you.

8 THE CLERK: Please raise your right hand. Do
9 you solemnly swear that the testimony you will give in
10 the cause now in hearing will be the truth, the whole
11 truth, and nothing but the truth, so help you God?

12 THE WITNESS: Yes, I do.

13 THE CLERK: Thank you. Please be seated.
14 Please pull yourself right up to that microphone.
15 State your name and spell your last name for the
16 record.

17 THE WITNESS: Grace Mortimer, M-o-r-t-i-m-e-r

18 THE COURT: Go ahead, Mr. Wolff.

19 MR. WOLFF: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. WOLFF:

22 Q Ms. Mortimer, where do you live, what town do you
23 live in?

24 A Auburn, Maine.

25 Q And who do you live with?

1 A My four children. Five children.

2 Q And how many girls, how many boys?

3 A Three girls, two boys.

4 Q And what are the -- what's the age range, what's
5 the oldest and what's the youngest?

6 A Um, I have a 20 year old and down to 7 years old.

7 Q Ms. Mortimer, you are a single parent; is that
8 right?

9 A Yes.

10 Q Do you get any help in terms of dealing with your
11 kids from anybody?

12 A A case worker, counselors, that kind of thing.

13 Q Ms. Mortimer, is it correct that at times, you've
14 had trouble with alcohol?

15 A Yes.

16 Q And you're a recovering alcoholic?

17 A Yes.

18 Q I'm going to be asking you some questions today
19 about events that took place back in 2007. Were you
20 drinking at that time in 2007?

21 A I don't know.

22 Q I'm sorry?

23 A No.

24 Q You did at some point have a relapse; is that
25 right?

1 A Yes.

2 Q When did that take place?

3 A Quite a few years ago. I can't recollect the
4 time.

5 Q Would it sound -- if I told you that it may have
6 taken place in early 2009, does that sound right to
7 you?

8 A Correct.

9 Q And did you go into treatment as a result of that?

10 A Yes, I did.

11 Q Have you -- are you drinking alcohol now?

12 A No.

13 Q You are taking prescription medication; is that
14 right?

15 A Yes, I am and I see a doctor monthly.

16 Q And what is that medication for?

17 A Panic attacks.

18 Q Panic attacks? And are you taking the amounts
19 that you're supposed to take as prescribed?

20 A Yes, I am.

21 Q Does that medication, does it affect your ability
22 to perceive things around you, to see and think
23 clearly?

24 A No.

25 Q Does it affect your ability to speak clearly?

1 A Only if you take too much. I follow directions.

2 Q Is it the case that in 2007, you pleaded guilty to
3 a misdemeanor theft charge?

4 A Yes.

5 Q And that was under what's called a deferred
6 disposition agreement; is that right?

7 A Right.

8 Q And did you eventually pay some restitution?

9 A Yes.

10 Q And was there any further punishment as a result
11 of that?

12 A No. I stayed out of trouble all -- pretty much
13 all the time.

14 Q Just for the benefit of the Court and for the
15 court reporter, if you can just try to speak right into
16 that microphone so everybody can pick up what you're
17 saying.

18 Ms. Mortimer, I want to ask you some questions
19 today mostly about your daughter HXXXXX. What grade is
20 she in now?

21 A Eighth.

22 Q Where does she go to school?

23 A Auburn Middle.

24 Q And before that, had she gone to Park Avenue
25 school?

1 A Yes, she did.

2 Q Did you have an occasion when she was going to
3 Park Avenue to meet the defendant, Mr. Raymond?

4 A Yes. Um, she started fifth grade and she loved
5 chorus at the beginning of the year. Toward the middle
6 of the year, she wasn't happy with it whatsoever.

7 Q Did you personally meet with Mr. Raymond over the
8 course of the year when your daughter HXXXXX was taking
9 classes with him?

10 A Not one-on-one.

11 Q And you said -- and you sort of anticipated my
12 next question, in addition to music, she also
13 participate in chorus; is that right?

14 A Right.

15 Q Do you recall what year, what grade she did chorus
16 in?

17 A Fifth.

18 Q Do you recall that at the end of that year, there
19 was a chorus trip?

20 A Yes.

21 Q Do you recall where that trip went?

22 A Canobie Lake. I can remember that she
23 discontinued chorus at that time. She wasn't -- she
24 was skipping a lot of classes at that time.

25 Q At the time, at the time of the chorus trip?

1 A Um hum.

2 Q Um, and did HXXXXX attend that chorus trip?

3 A Yes, she did.

4 Q Did you -- after the school year ended, that
5 summer of 2007, did you have any contact with the
6 defendant, Mr. Raymond?

7 A Yes.

8 Q Did you have any in-person contact with him?

9 A Mostly on the phone.

10 Q Was there a time around July 4th that you saw him?

11 A Actually yeah.

12 Q Where did that -- I'm sorry, and where did that
13 take place?

14 A Um, we was at the fireworks, down at the plaza.

15 Q At the plaza in Auburn?

16 A Yes.

17 Q And did you actually speak personally with Mr.
18 Raymond?

19 A Yeah. They were both on the cell phone at the
20 same time.

21 Q So he was on his cell phone at the same time?

22 A Yes.

23 Q How long did that conversation last?

24 A He is -- he speaks a lot, but eventually went
25 away.

1 Q Do you have any sense of how long you spoke with
2 him?

3 A Around 15 minutes.

4 Q During that conversation, was anything said about
5 Mr. Raymond taking your daughters on a trip to Canobie
6 Lake?

7 A No.

8 Q Did you at a later date receive a phone call from
9 him?

10 A Yes.

11 Q And at that time, was there some discussion about
12 him taking your daughters to Canobie Lake?

13 A Yes.

14 Q Had your daughters or any of your kids ever had
15 the opportunity to go to Canobie Lake?

16 A No.

17 Q What is your -- what was your telephone number
18 then?

19 A The same as it is now, 333-3075.

20 Q 333-3075, and is that the number that he called?

21 A Yes.

22 Q Do you have a sense of how many times you talked
23 to Mr. Raymond on the phone over the course of that
24 summer?

25 A Quite a few times. Enough so I got suspicious and

1 it was quite annoying. It was to the point where
2 enough's enough.

3 Q What did you talk about when he called?

4 A Um, first time he called me, he said that his
5 parents had passed away and left him a large amount of
6 money. He had zero bills. He selected a few children
7 that didn't have much money to go to do activities as a
8 group which would be accompanied by another -- adult
9 supervision.

10 Q And did he, when he spoke with you, did he tell
11 you who that other adult was going to be?

12 A Yes, his brother.

13 Q Did he mention who any of the other kids would be?

14 A No. He just made sure that I wouldn't say nothing
15 to anybody because he didn't want the other students
16 getting jealous.

17 Q That's what he said?

18 A Yes.

19 Q When you raised the possibility of going on these
20 trips, which of your daughters did he say he wanted to
21 take the trip with?

22 A He wanted both my daughters, which kind of
23 confused me because CXXXXXX was not in chorus.

24 Q So had CXXXXXX ever had him as a student in music
25 class, to your knowledge?

1 A Not to my knowledge.

2 Q And how much -- what's the age difference between
3 HXXXXXX and CXXXXXX?

4 A They're not far apart, not at all. Um, HXXXXXX is
5 15, CXXXXXX'X 12, but it was about a two-year span.

6 Q Okay. You said that he had talked about he had
7 this money and he was doing these things for families
8 who didn't have money. It is the case that at that
9 point, you did not have money?

10 A With five kids, yeah.

11 Q And what was your feeling about what he was
12 proposing?

13 A Well, I thought I would discuss it with my girls
14 to see how comfortable they felt with him and made a
15 family -- you know, all three of us discussion and they
16 were -- they seemed fine with it.

17 Q Did they seem excited about going?

18 A Yes, the first time.

19 Q What did he -- did you discuss when he was going
20 to be coming by to pick up the girls?

21 A Very early in the morning. Like 7:30, 8:00, maybe
22 even earlier.

23 Q Did you have, at that point, did you know where he
24 lived, where Mr. Raymond lived?

25 A I still have no idea.

1 Q Do you at this point recall what date it was that
2 that first trip took place?

3 A It was early in the summer. I would say the first
4 month of the summer, mid-summer, mid-month of the first
5 summer.

6 Q Do you recall a specific date?

7 A No.

8 Q Is there anything that might help refresh your
9 recollection? Did you keep any sort of planner or
10 calendar around that time?

11 A Yes, I did, but I didn't bring that with me
12 either.

13 Q Let me show you what I've marked as Government's
14 Exhibit 8.

15 MR. WOLFF: Your Honor, may I approach?

16 THE COURT: Yes.

17 BY MR. WOLFF:

18 Q Ms. Mortimer, I'm handing you what's been marked
19 for identification as Government's Exhibit 8. Can you
20 tell me what that is? Do you recognize that?

21 A Yes, that's, um, my planner.

22 Q If you could take a look at that. Look at it
23 yourself without reading it out loud and let me no when
24 you're done with that.

25 A I'm not really sure what day it is.

1 Q Well, let me just ask the questions so you can
2 respond to it. Is there anything -- does that help
3 refresh your recollection as to the date of the trip or
4 no?

5 A Yes.

6 Q Okay.

7 A Yes, it does.

8 Q Can you put that aside. Can you tell me now what
9 date that was, the first trip?

10 A The 14th.

11 Q 14th of which month?

12 A I would say the month after school ends in April.

13 Q Ms. Mortimer, is it fair to say that -- beyond --
14 let me just -- beyond what's actually printed on those
15 pages, do you have your own recollection of what that
16 date was?

17 A No because I was harassed at a point.

18 Q Well, let's just stick with what I'm asking. The
19 document that's in your hand, was your memory of those
20 dates clearer at the time that you wrote what was in
21 that day planner?

22 A Yes.

23 Q And did you personally write down the dates of the
24 trips?

25 A Yes.

1 Q Did you write down those dates when they were
2 fresh in your mind?

3 A Yes.

4 MR. WOLFF: Your Honor, at this point I would
5 ask to be able to read the information on that --
6 that's in that document as past recollection recorded.

7 THE COURT: Counsel, if it's just the date, I
8 thought there was no disputes about the date.

9 MR. WOLFF: Well, Your Honor, there is no
10 dispute, and if we can handle it that way, that's fine
11 as well.

12 THE COURT: Well. There is no dispute about
13 the date; is that correct, Mr. Hartley?

14 MR. HARTLEY: No.

15 THE COURT: It's not correct or there is no
16 dispute?

17 MR. HARTLEY: No, there is no dispute.

18 THE COURT: Thank you.

19 MR. WOLFF: Sorry. I could have handled that
20 better, Your Honor. That's fine. I won't need to
21 pursue it then.

22 BY MR. WOLFF:

23 Q So Ms. Mortimer, you can put that aside and we
24 will continue. So the morning of the trip, the first
25 trip, did he arrive at the time that he told you he

1 would?

2 A Yes, he did.

3 Q Was there anybody else with him when he arrived?

4 A Absolutely none.

5 Q Was there -- did you have any discussion with him
6 about why there wasn't any other adults with him?

7 A Um, it was under my assumption that my kids would
8 first be picked up.

9 Q Okay, but did you have any discussions with him at
10 that point about whether there were going to be other
11 adults coming?

12 A Yes.

13 Q And what did he say to you?

14 A His big brother would -- I mean his big brother,
15 his brother was supposed to be accompanying him and
16 it's two adults supervising a small amount of children.

17 Q Did, um --

18 A And he was just like running around with like a --

19 Q Okay.

20 A It was kind of hard to talk, like me and you are
21 right now.

22 Q Did HXXXXX and CXXXXXX go with him?

23 A Yes, they did.

24 Q Did you speak at all with either of your daughters
25 at any point later that day?

1 A Yes, I did. It was much later.

2 Q Okay. When was it?

3 A It was in the evening.

4 Q Okay.

5 A Late evening.

6 Q Now --

7 A I assume it was closer to when they were
8 returning.

9 Q And who did -- do you recall with whom you spoke?

10 A HXXXXX and CXXXXXX. HXXXXX called first and then
11 I asked to speak to CXXXXXX to make sure she was okay.

12 Q Did you know where they were when they were
13 calling?

14 A On their way back.

15 Q Do you know -- can you tell what phone they were
16 using?

17 A A cell phone. They were in a vehicle, I could
18 tell.

19 Q And did everything -- from your call, did
20 everything seem okay?

21 A They seemed to. That's why I spoke to both girls.

22 Q What -- do you recall what time, approximately,
23 they got back that evening?

24 A Um, I remember him telling me that he can't be
25 late because it doesn't stay open as late as it did and

1 it wasn't until like 12:30 and I was in a panic. It
2 was 12:30, 1 o'clock in the morning before they even
3 returned.

4 Q Okay. Without getting into specifics of what
5 anybody told you, from your conversations with HXXXXXX
6 and CXXXXXX, did you have any concerns at that point in
7 time? Were you worried at all about what had happened
8 at that time?

9 A Yes. I asked a lot of questions, but mostly the
10 kids just talked about rides. They didn't mention much
11 about Mr. Raymond, just the rides.

12 Q So at that point, did they appear to have had a
13 good time?

14 A Yeah.

15 Q Did you, did Mr. Raymond later call you about that
16 first trip?

17 A Twice.

18 Q Okay.

19 A Two different times.

20 Q And that was on the phone?

21 A Yes.

22 Q And was there at a later date a discussion about a
23 possibility of a second trip?

24 A Yes, there was.

25 Q Did you speak directly with Mr. Raymond about

1 that?

2 A Yes, I did.

3 Q Can you tell us what did he say about the
4 possibility of this second trip to Canobie Lake?

5 A He said once a year that him and a bunch of buds,
6 um, trip together and they planned to go to Canobie
7 Lake and that he wanted -- he goes don't get upset or
8 don't tell the girls, but if it falls through, I would
9 like to take them again.

10 Q Okay.

11 A I would also like to make a statement that --

12 THE COURT: No. No, wait for a question.

13 BY MR. WOLFF:

14 Q Just go ahead and answer my questions. So, just
15 to make sure I got it correctly, he had talked about a
16 trip with some buddies or friends; is that right? Is
17 that correct?

18 A Yes.

19 Q But that he wanted to have the girls as a backup
20 plan; is that accurate?

21 A Yes, correct.

22 Q Did you have a later conversation with him about
23 that?

24 A The very next day he said everything fell through.

25 Q And he wanted to take HXXXXX and CXXXXXX again?

1 You have to answer.

2 A Yes.

3 Q Did you speak with the girls about it? Did you
4 talk with the girls then?

5 A Yes, I did. I asked them how they felt about it,
6 if they felt safe or not.

7 Q Did they appear to be okay about going?

8 A At that time, yes.

9 Q What time of day was it that he picked them up for
10 the second trip?

11 A Once again, bright and early.

12 Q Did you have -- had you had any conversations with
13 him about whether any other adults were going to be
14 going on this second trip?

15 A Yes. There was always supposed to be supervision.

16 Q Did he tell you who it was that was supposed to
17 go?

18 A His brother.

19 Q So it was his brother both times, as far as you
20 recall?

21 A Yes.

22 Q When he arrived at your house that morning, was
23 there any other adult with him?

24 A No.

25 Q Did you have any discussion with him about where

1 other adults were?

2 A I didn't have time. He dropped the kids off and
3 left quickly.

4 Q Did you speak with the girls at all that evening
5 or later that day?

6 A Well, I at first thought there was a message
7 really late, but the next morning, yes.

8 Q I'm sorry, did you speak with them that evening at
9 all on their way back or at any time during the day
10 trip?

11 A Oh, you mean on the phone? Yes. Yes, I talked to
12 HXXXXX. CXXXXXX was in the back of the car sleeping.

13 Q Did you at any point speak with Mr. Raymond about
14 the girls having gone to his house?

15 A That was never mentioned until I got a phone call.

16 Q Until you got a phone call? From whom?

17 A My daughter told me that --

18 Q Let me just -- so who was the call from?

19 A HXXXXX.

20 Q Do you recall that -- we've obviously met
21 previously and talked about this case; is that right?

22 A Yes.

23 Q Do you recall ever telling me that at some point,
24 you did have a discussion with Mr. Raymond about the
25 fact that he had brought the girls back to his house;

1 is that something you recall?

2 A I don't understand the question.

3 Q Okay. Do you recall ever having a discussion with
4 Mr. Raymond about the fact that he had brought the
5 girls to his house?

6 A It was to my understanding that he was not
7 supposed to bring them to his house at all.

8 Q So did you ever have that discussion with him?

9 A No.

10 Q But you said you may have had discussions with
11 somebody else at a later date?

12 A Yes.

13 Q After that second trip to Canobie Lake, did you
14 have any further contact with Mr. Raymond during that
15 summer?

16 A Constantly. He called constantly.

17 Q Do you know where he was calling from?

18 A I have no idea.

19 Q Did you at some point learn that Mr. Raymond had
20 been arrested?

21 A Yes.

22 Q Did you also at some point have a conversation
23 with HXXXXXX'X friend TXXXXX?

24 A Yes.

25 Q Do you know or did that conversation with TXXXXX

1 take place before or after you learned of Mr. Raymond's
2 arrest; as you recall?

3 A She was the one that actually made me aware of the
4 fact --

5 MR. HARTLEY: Objection, Your Honor.

6 Q But do you recall --

7 THE COURT: Just a moment.

8 MR. WOLFF: I'm sorry.

9 THE COURT: Are you withdrawing it or what?
10 There is an objection to --

11 MR. HARTLEY: There is an objection to the
12 answer.

13 MR. WOLFF: And I will ask the question again.

14 THE COURT: All right. The answer is
15 stricken. Go ahead and ask it again.

16 BY MR. WOLFF:

17 Q Ms. Mortimer, just if you can recall, did that
18 conversation with TXXXXX take place before or after you
19 learned about Mr. Raymond's arrest?

20 A Before.

21 Q Did you, around that time, get a call from Mr.
22 Raymond?

23 A Yes.

24 Q When did that -- when did that take place?

25 A The following morning.

1 Q What time of day was it; do you recall?

2 A About 8:30 approximately.

3 Q What do you recall about what he said during that
4 phone call?

5 A He told me that he was advised not to speak with
6 me. He questioned me what my girls had talked to me
7 about, and he was pretty persistent on what they had
8 discussed with me about him, and he also said that he
9 was very -- he was a very outstanding citizen, and that
10 he was looking for people to back him up.

11 Q Did he also tell you that nothing had happened on
12 the trips to Canobie Lake Park?

13 A Correct.

14 Q Now, you said a moment ago that you felt the call
15 took place around 8:30; was that right?

16 Do you recall doing a written statement the
17 day after you got the call from Mr. Raymond?

18 A No, I don't remember.

19 Q Do you recall making a statement when you were at
20 your counselor's office that was eventually given to
21 the police?

22 A Yes. Yes, I did.

23 Q Now, do you recall that in that statement, you
24 indicated he called around 7:00 in the morning?

25 MR. HARTLEY: Objection, Your Honor.

1 THE COURT: Just a moment. Basis?

2 MR. HARTLEY: Well, I'm not sure, first of
3 all, she's not -- this isn't being used to refresh her
4 memory. She said that she had a memory of that. She
5 has testified --

6 THE COURT: Well, she said "approximately."

7 MR. WOLFF: And Your Honor, I'm just
8 impeaching her to the extent that I'm talking about a
9 prior inconsistent statement about the time of the
10 call. I was just asking --

11 THE COURT: Overruled.

12 BY MR. WOLFF:

13 Q Do you recall in the written statement saying it
14 took place around 7:00; if you recall?

15 A It was bright and early. It was way too early.

16 Q What was your -- as you were speaking with Mr.
17 Raymond in that phone call, what were you thinking?

18 A I just didn't want to talk to him, so I don't -- I
19 repeated what I said.

20 Q I'm sorry, I didn't catch the last part.

21 A I believed it was wrong to be talking with him and
22 I didn't say anything. I just listened.

23 Q Did -- what did you do after you got off the phone
24 with him?

25 A I called a number of people, my counselor, their

1 counselor and the school, and was all advised to call
2 the police.

3 Q And did you eventually call the police?

4 A Absolutely.

5 Q And who did you speak with from the police about
6 the phone call that you received?

7 A I believe Officer Poulin.

8 Q And is it at that point that you filled out your
9 written statement?

10 A Yes.

11 MR. WOLFF: Thank you, Ms. Mortimer.

12 THE COURT: Shall we take the recess or how
13 long do you expect the cross to be?

14 MR. HARTLEY: It will be a bit of time.

15 THE COURT: Let's take a morning recess. We
16 will take 15 minutes. Thank you.

17 (RECESS CALLED)

18 THE COURT: Mr. Hartley. You may
19 cross-examine.

20 MR. HARTLEY: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. HARTLEY:

23 Q Good morning, ma'am. HXXXXX, you referred HXXXXX
24 back in 2006 to be evaluated because you thought that
25 she had been abused; isn't that right?

1 A Excuse me, could you repeat the question?

2 Q You thought your daughter HXXXXX had been abused
3 so you sent her to a counselor to talk with her; do you
4 remember that?

5 A No.

6 Q Back in 2006, do you remember sending her down to
7 the Spurwink child abuse program?

8 A Yes.

9 Q And the reason why you did that was because you
10 thought that she'd been abused?

11 A No.

12 Q Why did you send her to Spurwink?

13 A Recommended.

14 Q I'm sorry?

15 A Recommended by workers.

16 Q Okay. Well, the health workers thought that she
17 might have been abused; correct?

18 A Right.

19 Q And so was it your mental health providers or
20 HXXXXX'X mental health providers that made that
21 recommendation?

22 A HXXXXX'X.

23 Q Okay, and now you certainly, if you thought that
24 HXXXXX was being abused, you'd want to do something
25 about it; wouldn't you?

1 A Correct.

2 Q And in fact, in this case you did do something
3 about it. You took her to Spurwink.

4 A Yes.

5 Q Okay, and as a result of that, actually the mental
6 health or the evaluation, they didn't find that there
7 had been any abuse; is that right?

8 A Right.

9 Q Now, you have five kids; correct?

10 A Correct.

11 Q Three girls and two boys?

12 A Yes.

13 Q And you're concerned about whether they would be
14 abused?

15 A No.

16 Q That's not something that concerns you?

17 A I'm not quite sure how to answer that question.
18 From who?

19 Q Anyone. You wouldn't want your kids to be
20 molested, sexually molested by someone?

21 A Absolutely not.

22 Q And you're a single parent; right?

23 A Right.

24 Q So you have to work that much harder to insure
25 that that doesn't happen; right?

1 A Yes.

2 Q Okay, and the last time that there -- before all
3 this incident with Mr. Raymond, the last time that you
4 had looked into sexual abuse of HXXXXXX was back in 2006
5 or were there other times?

6 A No other times.

7 Q I'm sorry?

8 A No other times.

9 Q Back in 2006 --

10 A Yes.

11 Q Had you talked with HXXXXXX? Had you said --

12 A Not to HXXXXXX.

13 Q You didn't talk to her?

14 A It wasn't her I was concerned about.

15 Q Well, HXXXXXX was the one who went to Spurwink for
16 that evaluation; right?

17 A I was advised by my workers.

18 Q Okay, and when the workers advised you that HXXXXXX
19 needed this evaluation, did you ever sit down with
20 HXXXXXX and say look, is this true, did this happen?

21 A Absolutely.

22 Q Okay, because that's something that you want to
23 know as a mother; right?

24 A Right.

25 Q Now, you said -- Mr. Wolff asked you earlier about

1 the services that you receive. You have a case worker?

2 A I have three case workers.

3 Q Okay, and did you say that you had counselors as
4 well?

5 A Correct.

6 Q And would it be fair to say that you have a
7 regular schedule of meetings with your case workers and
8 your counselors?

9 A Correct.

10 Q And they keep track of what's going on in your
11 life?

12 A That's not their job.

13 Q Okay. They keep -- do they ask you questions
14 about your family?

15 A Yes.

16 Q Okay. I remember when I was reading one of the
17 interviews that you had with a detective, you said I
18 need to get this documented so I can show it to my case
19 worker.

20 A Absolutely.

21 Q Because your case worker would want to know from
22 you exactly what you're doing in terms of any
23 allegation of sexual abuse?

24 A I just like to keep them informed.

25 Q Okay, but they -- they like to be kept informed;

1 is that accurate?

2 A That's their job.

3 Q Right, exactly, and they ask you about those
4 things?

5 A Correct.

6 Q Now, in addition to the Spurwink evaluation where
7 there were concerns about HXXXXX being abused, you
8 actually became concerned a few years ago about
9 HXXXXX's mental health; is that right?

10 A Correct.

11 Q She was hearing voices?

12 A Correct.

13 Q She was seeing things that weren't there?

14 A Correct.

15 Q She was becoming violent because voices were
16 telling her to be violent?

17 A Correct.

18 Q And you also told counselors that she was
19 struggling with her memory?

20 A Incorrect.

21 Q You never said that she was having trouble in
22 school because she was having memory problems?

23 A It was due to her father.

24 Q Okay.

25 A And it had nothing to do with sexual abuse.

1 Q I'm sorry?

2 A It had nothing to do with sexual abuse whatsoever.

3 Q And I'm not asking you about any of the details
4 about that, but what I am asking you is what HXXXXX --
5 what you saw in your daughter before you made these
6 reports. What was happening with HXXXXX in the house?

7 A She was scared.

8 Q I'm sorry?

9 A She was scared to be with her father.

10 Q Okay, and how was that -- how did you see that?
11 On a day to day basis, how would she act?

12 A She would get more violent. She was hearing
13 voices and she had a panic attack where I had to bring
14 her to the hospital and that's when she started getting
15 better.

16 Q Okay. At the hospital, they gave her medication?

17 A Ativan just to calm her down.

18 Q I'm sorry?

19 A Ativan just to calm her down.

20 Q To calm her down, and how long did she take that
21 medication for?

22 A Just that one time.

23 Q Just while she was at the hospital. So she hasn't
24 been on any medications other than that?

25 A Not in the last few months, no.

1 Q Okay. Before the last few months, was she on
2 medications?

3 A Yes.

4 Q And back in 2007, was she on medications?

5 A Yes.

6 Q What was she taking; do you remember?

7 A Trazodone and Risperdal and Cogentin.

8 Q Okay. Now, back in the summer of 2007, was she
9 seeing a counselor?

10 A Yes.

11 Q And how often did she see that counselor?

12 A Once a week for an hour.

13 Q Now, you said that you met Jim Raymond for -- you
14 said that you knew Jim Raymond because HXXXXX was in
15 both chorus and music class?

16 A Yes.

17 Q But during the school year of 2006/2007, I think
18 you said that you didn't actually meet him?

19 A I didn't meet him, no.

20 Q Okay.

21 A I think it was like a quick shake of the hand and
22 off he went.

23 Q Do you remember HXXXXX being embarrassed because
24 of something in music class --

25 A Yes.

1 Q -- in the spring. You do? Did she talk with you
2 about that?

3 A Yes.

4 Q What did she tell you?

5 A She said that Mr. Raymond put her in a particular
6 position and it wasn't where she needed to be and
7 during a live audience told her she was completely in
8 the wrong area and embarrassed her in front of the
9 whole audience.

10 Q Was it unusual for HXXXXX to come home from school
11 and tell you something about a teacher if it upset her?

12 A Excuse me?

13 Q Would HXXXXX -- if something happened in school,
14 for example, you just told us about she came home and
15 told you about Mr. Raymond embarrassing her, did any
16 other teachers ever -- did she ever have any other
17 problems with other teachers that she reported to you?

18 A No.

19 Q That was the only one ever?

20 A Ever.

21 Q Okay. Did you talk with her about school when she
22 came home?

23 A Of course.

24 Q Did you ask her how her day went, that kind of
25 thing?

1 A Yes.

2 Q Did you ever talk with her about specifics, what
3 she was learning in school?

4 A Yes.

5 Q Did she ever talk with you about friends and
6 fights with friends and who she was spending time with?

7 A Of course.

8 Q Okay. Now, this bus trip in the spring of 2007,
9 is that something that HXXXXX was looking forward to?

10 A She was looking forward to the Canobie Lake, not
11 the bus drive.

12 Q The trip itself. She was looking forward to the
13 field trip?

14 A Yes.

15 Q And the days leading up to it, was she excited,
16 was she talking about it?

17 A Yes.

18 Q Okay, and after she got back from the trip, was --
19 did you talk with her and say how did it go?

20 A Yes.

21 Q Okay, and she told you that she had a good time?

22 A No.

23 Q Okay. What did she tell you?

24 A She told me all the ride home, she was very
25 uncomfortable with Mr. Raymond and he was acting very

1 inappropriate and made her feel very uncomfortable.
2 She didn't mention nothing about the trip itself at
3 that time.

4 Q So you're seeing case workers and counselors at
5 this point, at that point as well; correct?

6 A Of course, yes.

7 Q And these counselors -- and HXXXXX'X seeing
8 counselors as well?

9 A Yes.

10 Q And in the past, about a year earlier, the
11 counselors had told you look, we think that HXXXXX may
12 have been sexually abused so we think you should bring
13 her to this Spurwink to be evaluated; right?

14 A No.

15 Q Well, isn't that what we just talked about a few
16 minutes ago?

17 A They, to be exact, was they said they -- the way
18 she behaved, they seemed to be sexually abused which
19 was not the case.

20 Q Okay. It turned out not to be the case; right?

21 A Right.

22 Q But the case workers told you we think there might
23 be something here, so we want you to bring her in and
24 get evaluated?

25 A It was an assumption.

1 Q Sure, and you took their advice and you took her
2 to get evaluated?

3 A Of course.

4 Q And it turned out to be nothing to it?

5 A Absolutely.

6 Q And so then about a year after this evaluation,
7 HXXXXX comes home from this bus trip and she tells you
8 that Mr. Raymond, her teacher, made her very
9 uncomfortable on the ride home?

10 A Absolutely.

11 Q And --

12 A She didn't tell me that she was abused.

13 Q Did you ask her what "very uncomfortable" meant?

14 A She did not prefer to talk to anybody else about
15 it because she was completely embarrassed and it was
16 very inappropriate.

17 Q Did you tell any of your counselors that your
18 daughter, who had been evaluated the year before, that
19 she was telling you that a teacher had been
20 inappropriate with her?

21 A On that particular time, yes.

22 Q You told your counselors?

23 A Not my counselors.

24 Q Who did you tell?

25 A Her counselors.

1 Q You told HXXXXX'X counselors that the teacher had
2 been inappropriate with her. What was the name of that
3 counselor you told?

4 A Courtney Bradeen.

5 Q I'm sorry?

6 A Courtney Bradeen?

7 Q The first name, how do you spell that first name?
8 Is it Conley, did you say?

9 A Courtney.

10 Q Courtney? And the last name is Berdeen?

11 A Yes.

12 Q B-e-r --

13 A B-r-a-d-e-e-n.

14 Q B-e-r-e-i --

15 A B-r --

16 Q Okay.

17 A A-d-e-e-n.

18 Q Okay. And who does Courtney Bradeen work for?

19 A Possibilities.

20 Q I'm sorry?

21 A Possibilities.

22 Q Possibilities. Where is that?

23 A On Center Street.

24 Q In Auburn?

25 A Yes.

1 Q And when did you tell Courtney Bradeen that your
2 daughter had told you that a teacher had been
3 inappropriate with her?

4 A I don't remember at this time.

5 Q Well, did you tell her that before -- how long
6 after the bus trip did HXXXXX tell you that the teacher
7 had been inappropriate with her?

8 A That very same day.

9 Q The day she got home?

10 A Um hum, she was very upset.

11 Q And so did you tell Courtney Bradeen before or
12 after you let Jim Raymond take your daughters to New
13 Hampshire, was it before or after that trip, that next
14 trip?

15 A Before.

16 Q So the next day, she gets home from the bus trip,
17 she's very upset; right?

18 A That night.

19 Q That night. She's very upset?

20 A Yes.

21 Q And she tells you that Mr. Raymond was
22 inappropriate with her?

23 A Correct.

24 Q And you tried to get her to say more, but she
25 wouldn't?

1 A No. I listened to her and let her speak at her
2 own speed which she was comfortable talking to me about
3 it.

4 Q Okay, and what else did she say?

5 A Other people in the school bus had happened to see
6 this which completely humiliated her.

7 Q And did she tell you who the other people who saw
8 it were?

9 A No, she did not.

10 Q Okay. Did you call the school?

11 A It was the last day of school, three months, so --
12 and she asked me not to. She just wanted it to go
13 away.

14 Q So you knew that the teacher had been
15 inappropriate with her.

16 A Yes.

17 Q As of the day, the night of the bus trip, right,
18 but you didn't even know what this teacher had done;
19 right?

20 A Yes, I did. Pretty much to what -- from what
21 she's told me, he made her feel very uncomfortable
22 where he put his head.

23 Q Where he put his head?

24 A Um hum.

25 Q And she was very upset, you said?

1 A Yes.

2 Q So and you never actually met this teacher, Jim
3 Raymond?

4 A Not one-on-one.

5 Q Okay. Now, you did meet this very teacher on
6 July 4th at the fireworks; right?

7 A We were -- there was a lot of people.

8 Q And actually, you've been interviewed a number of
9 times about Jim Raymond and you never mentioned being
10 at the fireworks in any of the prior interviews; did
11 you?

12 A I was trying to enjoy myself and my family.

13 Q I'm sorry?

14 A I was trying to enjoy myself and my family to
15 block out the bad things.

16 Q Okay. What I'm asking is you never, until you
17 testified here today, you didn't talk earlier that you
18 had run into Jim Raymond at the fireworks; right?

19 A Not to my memory.

20 Q And then did Mr. Wolff or someone from the US
21 Attorney's Office ask you in the last couple of days
22 about whether or not, in fact, you had met Jim Raymond
23 at the fireworks?

24 A Correct.

25 Q Okay. Was that yesterday that they asked you?

1 A No.

2 Q Was that today, this morning?

3 A No.

4 Q Was it two days ago?

5 A No.

6 Q Okay. So when did they come and ask you did you
7 actually first meet at the fireworks?

8 A A couple weeks ago.

9 Q Okay, and then you said yes?

10 A At first it took me a few minutes to remember
11 because I was with my children and there are a lot of
12 people at the fireworks.

13 Q Now, you remember that -- so this is the man who
14 your daughter had just told -- had made her feel
15 uncomfortable to the point where she was very upset;
16 right?

17 A Right and I do remember now that after he left,
18 she was like, ugh, get rid of him.

19 Q Now, so she was pretty repulsed by him when he
20 came up to you at the fireworks?

21 A Right.

22 Q Now, do you remember it was actually at that
23 July 4th fireworks that Jim Raymond talked about going
24 to New Hampshire?

25 A No.

1 Q And you're sure about that?

2 A I'm positive. It was on the phone.

3 Q You didn't even remember the trip until recently,
4 the meeting at all until recently; right?

5 A What meeting?

6 Q The meeting on July 4th at the fireworks.

7 A There was no meeting.

8 Q Well, running into Jim Raymond, you didn't even
9 mention that to anyone?

10 A It was a run-in, that was it.

11 Q So you had a run-in with him on July 4th and
12 HXXXXXX acts with disgust to seeing this man who had
13 been inappropriate with her on the bus trip; right?

14 A All the kids did.

15 Q Okay. So a few days later, your phone rings and
16 it's Jim Raymond?

17 A Yes.

18 Q And Jim Raymond says that he's organizing a trip
19 to go back to the same place where he had made your
20 daughter feel so uncomfortable the last time; right?

21 A Correct.

22 Q And he asked you if not only HXXXXXX can go, but if
23 your other daughter is interested in going as well?

24 A Correct.

25 Q And you say yes?

1 A It was a group conversation and it was not just
2 supposed to be isolated to my two children. It was
3 suppose to be a group, a small amount -- group of
4 people, and it wasn't supposed to be Mr. Raymond alone.
5 He was supposed to be supervised by more than one
6 adult.

7 Q Well, did you have an understanding as to how many
8 people were on the bus trip where he had made HXXXXX
9 feel uncomfortable a couple weeks earlier?

10 A No, I don't know how many people were on the bus.

11 Q Was HXXXXX alone with Mr. Raymond on that trip?

12 A Absolutely not.

13 Q And in fact, you're telling us that you understood
14 that on a bus full of kids, that Jim Raymond had made
15 your daughter feel uncomfortable?

16 A But I trusted my daughter's judgment and if she
17 felt -- it's sort of like if a kid's a kitten --

18 Q I'm sorry, it's sort of like a what?

19 A Giving a child a kitten. You have a chance to do
20 something, are you going to jump for it?

21 Q And you said your daughter, when she had seen him
22 on July 4th, she had reacted with disgust, reacted with
23 disgust?

24 A Yes, correct.

25 Q But a few minutes ago, you said that you

1 actually -- after Jim called, you talked with your
2 girls before saying that they would go on this trip;
3 right?

4 A Right.

5 Q And your words earlier was you said you talked
6 with them to see how comfortable they would be;
7 correct?

8 A Correct.

9 Q And your words earlier were they seemed fine and
10 they were excited --

11 A Correct.

12 Q -- to go with the man who she reacted with disgust
13 to --

14 THE COURT: Counsel, that's argumentative.

15 BY MR. HARTLEY:

16 Q Now, on the first -- in any event, you set up the
17 first trip; right?

18 A The first trip was supposed to be with Jim.

19 Q And the girls went on the trip?

20 A Correct.

21 Q And they actually -- they actually called when
22 they were on their way back, you testified earlier?

23 A Yes.

24 Q Now, do you remember Jim Raymond actually calling
25 earlier in the evening to tell you that the park was

1 going to stay open an hour later?

2 A Yes.

3 Q Okay, and he was basically saying is it okay if we
4 stay an hour later at the park; right?

5 A Correct.

6 Q And you said okay?

7 A This one time, yes.

8 Q Okay. Now, after the first trip, you talked with
9 the girls when they came back?

10 A Correct.

11 Q Now, you must have been -- you must have been
12 concerned if this is a man who --

13 A Is this the first or second?

14 Q The first trip. You must have been concerned
15 about whether things had gone all right on this trip?

16 A Correct.

17 Q And did you talk to the girls?

18 A Well, they got home so late, I waited till
19 morning.

20 Q Did you talk with them in the morning?

21 A Yes, I did.

22 Q And --

23 A At --

24 Q You talked with them in the morning?

25 A Yup.

1 Q And did you talk about how the trip had gone?

2 A Yeah. Actually yes, but there was something left
3 out of the conversation. You're not being accurate.

4 Q Something left out of my conversation?

5 A Yes. You're not accurate.

6 Q Which conversation?

7 A The first trip, it was waiting for his brother and
8 there were supposed to be other children attending.

9 Q Right.

10 A It was two to three hours into the trip when I
11 received a phone call from one of my children stating
12 that they were at his house, which truly put a fright
13 in me, but I didn't learn more about that until later.

14 Q Did you tell them to come home when they said they
15 were at his house?

16 A They were leaving at that time.

17 Q Okay. Now, so after they came back, then the next
18 morning you talked with them about how the trip had
19 gone?

20 A Yes.

21 Q And now, if HXXXXXX had told you that there were
22 any problems on that trip, you would have told somebody
23 about that; right?

24 A Of course.

25 Q Okay, and so she didn't tell you about any

1 problems?

2 A Of course, no.

3 Q Did she tell you that she had fun?

4 A She said it was okay, just okay. CXXXXXX was more
5 excited.

6 Q Did HXXXXX talk about the rides that she had gone
7 on?

8 A Not very much.

9 Q What did they say about the trip? What did HXXXXX
10 say about the trip?

11 A The trip -- she didn't like the trip as much as
12 CXXXXXX was.

13 Q In any event, Jim called a little bit later in the
14 summer and you wound up letting the girls go on a
15 second trip?

16 A Correct.

17 Q And --

18 A It was only supposed to be a backup.

19 Q Now, backing up just a minute, this report that
20 you've told us that HXXXXX made late at night when she
21 got home from the bus trip, you've been interviewed by
22 Officer Poulin in this case; correct?

23 A Correct.

24 Q You've been interviewed at Spurwink?

25 A Spurwink?

1 Q You were interviewed by -- about a week after the
2 Spurwink child abuse program down in Portland, you came
3 down here and had an interview?

4 A Not that I recall.

5 Q Okay. Well, you met with Agent Moulton; do you
6 remember that?

7 Do you remember meeting with more than one
8 person in connection with this case over the last
9 couple of years?

10 A Yes.

11 Q And these are investigators who were asking you
12 about the case?

13 A Yup.

14 Q And now, you never told any of them that HXXXXX
15 had reported to you that Jim Raymond had made her feel
16 uncomfortable on this bus trip; did you?

17 A She said at that time it was personal and it
18 wasn't -- at that time she did not disclose to me every
19 last detail until they were on him so I acted
20 accordingly.

21 Q What does that mean?

22 A To what she was willing to share with me, how I
23 felt about it as a mother and it was later on that I
24 realized what she was actually doing.

25 Q What did you later on realize she was actually

1 doing?

2 A Protecting her little sister because according to
3 her, Mr. Raymond wanted her to sleep with her. She
4 made sure CXXXXXX stayed in the back so he couldn't
5 touch her.

6 Q Well, you talked with all these officers. You
7 must have been pretty angry at Jim Raymond, this man
8 who had touched HXXXXX; right?

9 A Absolutely.

10 Q And you would want to do everything you could to
11 help them put him in jail?

12 A No. I don't want to see him do this to any other
13 kids. He shouldn't have to.

14 Q Right. So you want to help them with their
15 investigation; right?

16 A If it's truthful --

17 Q Sure.

18 A Absolutely.

19 Q And so if you have a piece of information that
20 would help them with their case, you want to tell them;
21 wouldn't you?

22 A I'm honest. I tell the truth.

23 Q Okay, and so if HXXXXX had told you that on this
24 bus trip that she was touched, that she was made to
25 feel uncomfortable by Jim Raymond, wouldn't you have

1 told the police?

2 A Well, there was a whole school bus full of
3 children. They was supposed to be under supervision.
4 I knew that circumstances. I don't feel as though that
5 -- I mean I feel as though he treated her very
6 disrespectfully and he humiliated her in front of other
7 people who did see him, but I don't think it was called
8 for I'm going to call the police and arrest you for
9 sexual harassment, which I thought he should have, but
10 this is all new because I never experienced anyone of
11 this age actually going after someone so young.

12 Q So you thought that HXXXXXX was on that bus trip,
13 that she was embarrassed?

14 A I felt it was perfectly safe with the students and
15 also other supervision.

16 Q Are you saying that you don't think that that was
17 sexual, you think it was more that she was embarrassed?

18 A No. I think it was sexual, but I think it was
19 limited in that way.

20 Q But still, you chose not to tell this to the
21 investigators that were working on the case?

22 A I just don't remember talking to any detectives,
23 I'm sorry. That just doesn't make sense to me.

24 Q Okay. Now, in this case, you had -- you don't
25 remember meeting with any investigators?

1 A Officer Poulin, the guardian ad litem and the last
2 few months, I've met with a lot of other people.

3 Q And that's been in preparation for this trial?

4 A Yes, but they don't tell me what to say. They
5 just asked for the honest truth, that's all.

6 Q Okay, and have you talked with them about the
7 honest truth?

8 A The honest truth is everything ain't black and
9 white. My child -- my children were abused by their
10 father, so some things takes a little longer for them
11 to come to me and let me know that what's going on.

12 HXXXXXX has a big shield on, you know, she is a
13 big shield, so for her to come to me at all eventually
14 over time I think was very big of her, and I think it
15 was very big of her to testify against someone that is
16 a predator.

17 Q Well, eventually over time, she actually came to
18 you the very first night it happened back on that bus
19 trip; right?

20 A She did, but she didn't feel as though it would go
21 any further, but I do know that --

22 THE COURT: Wait, wait for a question. Wait
23 for another question.

24 MR. HARTLEY: I have nothing further.

25 THE COURT: Thank you, Mr. Hartley. Redirect,

1 Mr. Wolff.

2 MR. WOLFF: Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WOLFF:

5 Q Ms. Mortimer, Mr. Hartley asked you about this
6 incident where you learned that Mr. Raymond had somehow
7 embarrassed HXXXXX in class; do you remember telling
8 him about that?

9 A Yes.

10 Q To your knowledge, was that resolved between
11 HXXXXX and Mr. Raymond?

12 A He came right to her classroom and apologized to
13 her.

14 Q And as far as you could tell, had that been taken
15 -- was that taken care of?

16 A She seemed to be happy with that, but as time went
17 on, it just went downhill.

18 Q And after he spoke with her, did that seem to
19 resolve things, as far as you could tell?

20 A As far as I can tell.

21 Q Prior to HXXXXX and CXXXXXX going to Canobie Lake
22 park with Mr. Raymond, and prior to the school chorus
23 trip that HXXXXX went to, had your girls ever been to
24 the park before?

25 A No, they had not.

1 Q Had you ever been able to take them to some place
2 like that?

3 A No, I have not.

4 Q Do you recall that on the day that HXXXXX was
5 interviewed at the crisis center in Lewiston --

6 A Yes.

7 Q Do you recall meeting with Special Agent Moulton
8 and me at the Auburn Police Department?

9 A Yes.

10 Q Do you recall during that meeting telling us that
11 HXXXXX had told you that Mr. Raymond insisted that she
12 sit next to him on the school chorus trip?

13 A Absolutely.

14 MR. WOLFF: Thank you.

15 THE COURT: Thank you. Anything further, Mr.
16 Hartley?

17 MR. HARTLEY: No, thank you, Your Honor.

18 (END OF EXCERPT)

19 C E R T I F I C A T I O N

20 I, Dennis R. Ford, Registered Merit Reporter and
21 Official Court Reporter for the United States District
22 Court, District of Maine, certify that the foregoing is
23 a correct transcript from the record of proceedings in
24 the above-entitled matter.

25 Dated: April 27, 1010

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/s/ Dennis R. Ford

Official Court Reporter

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